

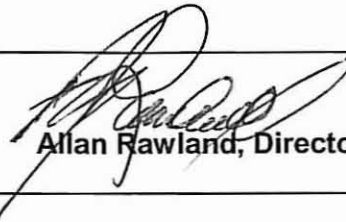
**County of San Bernardino  
Department of Behavioral Health**

**INELIGIBLE PERSONS POLICY**

**Effective Date**  
**Approval Date**

4/17/07  
4/17/07

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**Allan Rawland, Director**

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**Policy**

The Department of Behavioral Health (DBH) shall not hire, contract, or utilize the services of any individual or entity identified as excluded or ineligible from participation in Federal health care programs. Annual sanction checks shall be conducted, at minimum, for existing employees and individuals conducting business with DBH.

DBH shall cease to conduct business with contractors, vendors, workforce members, interns and volunteers who become ineligible, are identified as ineligible, or have pending criminal health care charges from participating in Federal health care programs.

**Purpose**

- To ensure that DBH employees, contractors, vendors, workforce members, Interns, and volunteers providing patient care services, including administrative and management services that are necessary components of providing items and services to Federal program beneficiaries are eligible for participation in Federal health care programs.
- To communicate the policy to individuals working within DBH.

**Definitions**

<b>Ineligible Person</b>	An individual or entity who is currently excluded, suspended, debarred, or otherwise ineligible to participate in the Federal health care programs, including Medicare/Medicaid programs or has been convicted of a criminal offense related to conduct that would or could trigger an exclusion under 42 U.S.C. 1320a-7, including criminal offenses related to the delivery of health care items or services, but has not yet been excluded, debarred, suspended, or otherwise declared ineligible.
<b>Federal health care programs</b>	Medicare, Medicaid, and all other plans and programs that provide health benefits funded directly or indirectly by the United States Government or a State health care plan (other than the Federal Employees Health Benefit Program).

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### Current employees' requirement

Current employees are required to report a change of eligibility status that impacts participation in Federal health care programs to their immediate supervisor. Employees who have pending criminal health care charges shall be removed from any responsibility that receives Federal reimbursement or funding, directly or indirectly, by Federal health care programs until determination of the outcome.

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### Sanction Checks

- The DBH Director's designee is responsible for conducting sanction checks for prospective employees prior to a job offer. Verification of the Office of Inspector General (OIG) list should be conducted for each candidate/new hire to confirm eligibility of the person for participation in Federal health care programs. However, applicants assume responsibility for disclosing eligibility to DBH.
  - The Office of Compliance will conduct annual sanction checks, at minimum, for existing employees and individuals conducting business with DBH.
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### Violation

Failure to conduct periodic reviews of the OIG and General Services Administration's (GSA) List of Excluded from Federal Programs website, to ensure that no ineligible persons are providing services in Federal health care programs within DBH.

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### Consequences of violation

- Employees who become excluded from participation in Federal health care programs shall be dismissed as their salary is paid, in part or in whole, directly or indirectly, by Federal reimbursement of funding and it is a job requirement to maintain clearance to participate in Federal Health care programs.
  - The OIG has the authority to impose civil monetary penalties against individuals and entities that violate exclusion of Federal health care program payments. Civil monetary penalties are subject to up to \$10,000 for each item or service furnished by an excluded individual or entity and listed on a claim submitted for Federal program reimbursement. In addition, an assessment of up to three times the amount claimed and program exclusion may be imposed.
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### References

- Social Security Act § 1128 and 1128a
- United States Code Title 42, section 1320a-7
- Code of Federal Regulation Title 42, Section 1001.1901
- Office of Inspector Special Advisory Bulletin, September 1999
- HIPAA, Public Law 104-191
- Balanced Budget Act of 1997, Public Law 105-33
- HHS/OIG List of Excluded Individuals/Entities
- <http://www/oig.hhs.gov/fraud/exclusions/listofexcluded.html>
- General Services Administration's List of Excluded from Federal Programs
- <http://www/eplis.gov/>

### Contact

Marina Espinosa, DBH Ethics and Compliance Coordinator

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